

REMARKS/ARGUMENTS

Interview Summary

Applicant thanks the Examiner for the interview conducted with Jeff Slater on August 20, 2008, and the Examiner's subsequent preliminary consideration of the proposed amendment submitted on September 2, 2008.

During the Examiner's interview with Jeff Slater on August 20, 2008, the Examiner indicated that it would be advisable to move features that were previously recited in the preamble of the independent claims into the body of the claims, so that they would be given patentable weight.

The position presented by Jeff Slater on behalf of the Applicant in that interview was that the use of the term "respective" in the phrase "respective communication link" should be understood to mean that members of a private network group each maintain a communication link that is independent of the communication links of the other members of the private network group, thereby precluding the Examiner's broad interpretation of the shared broadcast channel taught by Sigler et al. (U.S. Patent No. 6,477,370), as a "respective communication link".

The Examiner indicated that he felt that his broad interpretation was appropriate, and further indicated that an amendment that further clarified the distinction discussed above could potentially be useful in advancing prosecution of this application.

The proposed amendment to claim 1 submitted on September 2, 2008 was prepared taking into consideration the results of the interview.

In a telephone conversation with Jeff Slater on September 10, 2008, the Examiner indicated that his initial impression of the proposed amendment was favorable, and the Examiner indicated that a full response should be submitted that includes similar amendments to those proposed to claim 1. This response has been prepared and submitted on that basis.

Status of Claims

Claims 1 to 55 remain in the application.

Claim Amendments

The independent claims have been amended to clarify that the respective maintained communication link of each mobile station of the private network group is independent of the respective maintained communication links of the other mobile stations of the private network group, which we submit clearly distinguishes over the common shared broadcast channel that is taught as part of the group voice calls disclosed in Sigler et al. (U.S. Patent No. 6,477,370). As requested by the Examiner, please note that the foregoing feature is recited in the body of the amended independent claims, rather than in the preamble, and should therefore be afforded appropriate patentable weight.

35 U.S.C § 102 Claim Rejections

In paragraph 4 of the Office Action, the Examiner has rejected claims 1-3, 5, 10-15, 22-24, 26-28, 36-38, 40-42, 44, 45, 47, 48, 50 and 55 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,477,370 to Sigler et al. (hereinafter referred to as "Sigler").

As noted in the previous response submitted on May 9, 2008, "For a prior art reference to anticipate in terms of 35 U.S.C. § 102, every element of the claimed invention must be identically shown in a single reference." *Diversitech Corp. v. Century Step, Inc.*, 850 F. 2d 675, 677, 7 U.S.P.Q. 2d 1315, 1317 (Federal Circuit 1988). "If any claim, element, or step is absent from the reference that is being relied upon, there is no anticipation." *Closter Speedsteel AB v. Crucible, Inc.*, 793 F. 2d 1565, 230 U.S.P.Q. 81 (Federal Circuit 1986). Applicant respectfully submits that Sigler fails to teach all of the features of the claimed invention, and therefore cannot be found to anticipate the claimed invention.

To begin, Applicant points out that the present invention is directed to apparatus, networks and methods that establish private networks between mobile stations within a wireless

environment, allowing for wireless data transfers between the mobile stations that are part of the private networks, while the primary reference that has been cited by the Examiner, Sigler, is primarily directed to apparatus, networks and methods for establishing group voice calls between mobile phone users. This distinction is clear from the Abstract of Sigler, which states:

" In a mobile communication system, a system for providing communication between multiple users in a closed user group arrangement includes, for example, first and second mobile earth terminals (METS) registering with the mobile system. The first MET selects a closed user group network identifier (NET ID) representing a NET group to establish **voice communication** therewith and transmits the NET ID to a controller. The controller receives the NET ID from the first MET, validates the first MET for communication, validates the NET ID, **allocates a frequency for the NET group**, and **broadcasts** the message to the NET group informing the NET group of the allocated frequency. The second MET **tunes to the frequency in response to the message broadcast by the central controller**. The closed user group arrangement provides security measures to ensure only authorized METs gain access to the NET group, dual standby mode of operation, and/or priority default operation." (emphasis added)

See also column 9, lines 6-13, which describes:

"an integrated mobile telephone that can be used to transmit to, and receive from, to communicate in a Closed User Group (CUG) arrangement that allows each member of the group to **hear what any other user is saying**. Each member of the group can also **talk** when needed. The system behaves like **a radio multi-party line** where several parties communicate **over the same communication channel**." (emphasis added)

Applicant acknowledges that Sigler et al. does describe the use of a satellite network for voice, data and facsimile communications. However, as discussed in the interview conducted on August 20, 2008, the main focus of Sigler is group voice calls enabled through the use of a common shared broadcast channel. As the broadcast channel described by Sigler et al. is shared

by each of the mobile stations participating in a group voice call, Applicant respectfully submits that the shared broadcast channel cannot possibly be considered to be a respective independent maintained communication link, as recited in the amended independent claims.

It is important to note from the foregoing quotations that Sigler teaches group voice calling (i.e. point-to-multipoint multi-party line voice calls) in which a first mobile earth terminal (MET), such as a mobile telephone, first registers with a central controller **over a first channel/frequency** to establish a Network Group (NET) that is identified by a unique Network Group Identifier (NET ID). The central controller then **allocates a frequency, i.e., a channel, for group voice communications** for the NET, and broadcasts **over a group control channel (GC-S)** a message to the members of the NET that identifies the allocated frequency/channel, so that the group members can **switch/tune to the allocated frequency/channel** to begin group voice communications. In addition to the foregoing quotes, see also column 11, line 59 to column 12, line 9 of Sigler. Clearly, Sigler teaches that group voice communications are carried out over **a common allocated frequency/channel**, i.e., all of the NET group members share a **common** frequency/channel for group voice calls.

In contrast, independent claim 1 recites:

1. An apparatus for controlling data unit communications between a plurality of mobile stations, the apparatus comprising:

means for grouping at least two of the plurality of mobile stations as members of a private network group, **each of the at least two mobile stations having a respective maintained communication link with the apparatus that is independent of the respective maintained communication link of the other of the at least two mobile stations and, once established, is maintained throughout a session;**

means for determining if a first mobile station sending a data unit and a second mobile station scheduled to receive the data unit are both members of the private network group; and

means for enabling communication of the data unit from the first mobile station to the second mobile station **through the respective maintained communication links of the first mobile station and the second mobile station** only if they are both members of the private network group. (emphasis added)

As noted above, Sigler discloses a system in which there are at least two different types of communication links used for communication between mobile stations and a central controller. As discussed below, these two different types of communication links are very different from the communication links recited in claim 1, and as similarly recited in the other independent claims.

The first communication channel disclosed in Sigler is a broadcast (i.e. point-to-multipoint) group control channel for transmitting a notification message to notify group members of a group call and identify the group call frequency/channel, as described in column 12, lines 3-6. Sigler describes at column 12, lines 20-24, “allocating a frequency for the NET group, and broadcasting the message to the NET group ... informing the NET group of the allocated frequency and the voice communication associated therewith”. Accordingly, it should be clear that the group control channel (GC-S) taught by Sigler is a broadcast channel common to all mobile stations, not “a respective maintained communication link ... that is independent of the respective maintained communication link of the other of the at least two mobile stations”, as recited in claim 1.

The second communication channel disclosed in Sigler is a group call channel, which is used for communication traffic by the respective mobile stations only after the notification message has been received over the group control channel and the mobile station has identified that there is a call to be received on the group call channel. As described at column 12, lines 24-26, “[t]he method also includes the steps of the second MET tuning to the frequency in response to the message broadcast by the central controller, and assigning by the central controller the first MET as current speaker for the NET group”. As Sigler discloses utilizing a group voice call channel that group members can tune to only after they have received the notification message which specifies the frequency/channel, this group voice call channel is not the same as “a respective maintained communication link ... that is independent of the respective maintained

communication link of the other of the at least two mobile stations”, as recited in claim 1.

Beginning at line 12 of page 3 of the Final Office Action, the Examiner equates the “means for enabling communication”, as recited in claim 1, with the mobile earth terminal (MET) receiving a group call including a notification message having a group identification number (NET ID) and an allocated frequency identifier on a group control channel, and tuning to the allocated frequency to receive and/or transmit group voice calls, as disclosed by Sigler. The Examiner has particularly pointed to column 31, line 66 to column 32, line 11 of Sigler, which is quoted below:

" Upon accepting the NRCHA_SU **the MET** starts timers T_{M20} , the Lost FES-C channel timeout (Nominally, for example, 10 secs), and T_{M22} , the Transmit Inhibit timeout (1 superframe). **The MET** monitors the FES-C channel and **generally only enables transmission if** all the following conditions are true:

the MET is in receipt of the FES-C channel, indicated when timers T_{M20} , and T_{M22} are not expired;

the MET is a member of the NET ID;

the Speaker ID is the vacant ID or is equal to the MET user's DN;

the user initiates PTT signaling." (emphasis added)

The above quotation from Sigler may describe conditions under which the mobile earth terminal (MET) itself enables transmission of a group voice message over the common group voice channel/frequency, i.e., "**The MET** monitors the FES-C channel and **generally only enables transmission if ...the MET is a member of the NET ID**". However, Sigler does not disclose “means for enabling communication of the data unit from the first mobile station to the second mobile station **through the respective maintained communication links** of the first mobile station and the second mobile station” (emphasis added), as recited in claim 1, as Sigler does not disclose enabling communication on the same “maintained communication link”. Sigler discloses that the traffic channel is a group call channel. The group call is a common channel

used by all group members, which is not the same as each of the mobile stations of the private network group having a respective maintained communication link that is independent of the respective maintained communication links of the other members of the private network group. Furthermore, communication in Sigler comprises both the notification message transmitted on the group control channel and the traffic transmitted on the group call channel.

For at least the above reasons, Sigler does not disclose all of the features of the claimed invention, and as such cannot be held to anticipate the claimed invention.

In view of the foregoing, reconsideration and withdrawal of the rejections under 35 U.S.C. § 102(e) is respectfully requested.

35 U.S.C § 103 Claim Rejections

In paragraphs 7 to 9 of the Office Action, the Examiner rejects claims 4, 9, 16, 17, 18, 25, 30, 31, 49 and 54 under 35 U.S.C. § 103(a) as being obvious to a person skilled in the art having regard to Sigler in view of either U.S. Patent No. 6,032,051 to Hall et al. (hereinafter referred to as "Hall"), U.S. Patent No. 6,549,768 to Fraccaroli (hereinafter referred to as "Fraccaroli"), or U.S. Patent No. 6,249,584 to Hamalainen et al (hereinafter referred to as "Hamalainen").

In response, Applicant respectfully submits that Hall, Fraccaroli and Hamalainen fail to overcome the deficiencies in Sigler identified above, and therefore no combination of the cited references can be found to render the claimed invention obvious.

In view of the foregoing, Applicant respectfully submits that claims 1 to 55 are both novel and inventive over the cited references, taken alone and in combination.

Applicant respectfully requests that the Examiner reconsider and withdraw the rejections of claims 4, 9, 16, 17, 18, 25, 30, 31, 49 and 54 under 35 U.S.C. § 103(a).

Allowable Subject Matter

Applicant appreciates the Examiner's acknowledgement in paragraph 10 of the Office Action that the subject matter of claims 6-8, 19-21, 29, 32-35, 39, 43, 46 and 51-53 is considered

to be novel and inventive, and those claims would be allowable if re-written in independent form including all of the limitations of their base claims.

In view of the foregoing, early favorable consideration of this application is earnestly solicited. In the event that that the Examiner has concerns regarding the present response, the Examiner is encouraged to contact the undersigned at the telephone listed below.

Respectfully submitted,

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